

1
2 BILL NO. Z-95-07-04

3 ZONING MAP ORDINANCE NO. Z-06-95

4 AN ORDINANCE amending the City of
5 Fort Wayne Zoning Map No. L-7.

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
7 WAYNE, INDIANA:

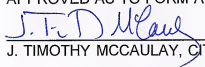
8 SECTION 1. That the area described as follows is hereby designated a B-3-B
9 (General Business) District under the terms of Chapter 157 Title XV of the Code of the
10 City of Fort Wayne, Indiana of 1974:

11 Lots 19, 20 and 21 in Nindes Addition to the City of Fort Wayne, Indiana,
12
13 and the symbols of the City of Fort Wayne Zoning Map No. L-7, as established by
14 Section 157.016 of Title XV of the Code of the City of Fort Wayne, Indiana are hereby
15 changed accordingly.
16

17
18 SECTION 2. That this Ordinance shall be in full force and effect from and after
19 its passage and approval by the Mayor.

20
21 
Council member

22 APPROVED AS TO FORM AND LEGALITY:

23 
24 J. TIMOTHY MCCAULAY, CITY ATTORNEY
25
26
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32

Read the first time in full and on motion by Parme,
and duly adopted, read the second time by title and referred to the
Committee on Public Utilities (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on 7-11-95, the 11 day of August
at 11:00 o'clock
M., E.S.T.

DATED: 7-11-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Parme,
and duly adopted, placed on its passage. PASSED LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>5</u>	<u>1</u>	<u>1</u>	<u>2</u>
BRADBURY		<u>✓</u>		
EDMONDS				<u>✓</u>
GIAQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY			<u>✓</u>	
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 8-22-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 2-06-95
on the 22nd day of August, 19 95

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Don J. Schmitter
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 23rd day of August, 19 95,
at the hour of 11:00 o'clock A, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19 _____, at the hour of _____ o'clock _____ M., E.S.T.

This Ordinance was "perfectly voted" by Mayor
Helmke on 9-6-95. Must have 2/3 vote to
override the Mayor's veto.
PAUL HELMKE, MAYOR

Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time by _____,
title and referred to the Committee on _____ (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Common Council Conference Room 128, City-County
Building, Fort Wayne, Indiana, on _____, the _____, day
of _____, 19_____, at _____ o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine,
seconded by _____, and duly adopted, placed on its passage.
PASSED LOST by the following vote: motion to uphold to Mayor's

Veto - no private Ordinance -

Common Council Veto to uphold the Mayor's Veto

AYES _____ NAYS _____ ABSTAINED _____ ABSENT _____

TOTAL VOTES _____

BRADBURY _____

EDMONDS _____

GIAQUINTA _____

HENRY _____

LONG _____

LUNSEY _____

RAVINE _____

SCHMIDT _____

TALARICO _____

Mayor's Veto
by Common Council
upheld

DATED: 9-12-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. _____
on the _____ day of _____, 19_____,

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19_____,
at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19_____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

Hold - Pending a
restrictive covenant Put
ing out between John
developer) & Neigh. Assoc.

Decision - Sign or Not

BILL NO. Z-95-07-04

REPORT OF THE COMMITTEE ON
REGULATIONS
CLETUS R. EDMONDS - REBECCA J. RAVINE - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map No. L-7

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

<i>Rebecca Ravine</i>			
<i>Mark C. Edwards</i>			
<i>[Signature]</i>			
<i>[Signature]</i>	<i>J. Brantley</i>	<i>[Signature]</i>	
<i>[Signature]</i>			
<i>Sam [Signature]</i>			

DATED: 8-22-95

Sandra E. Kennedy
City Clerk

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN., 6/14/

RECEIVED FROM

THE SUM OF Three

ON ACCOUNT OF

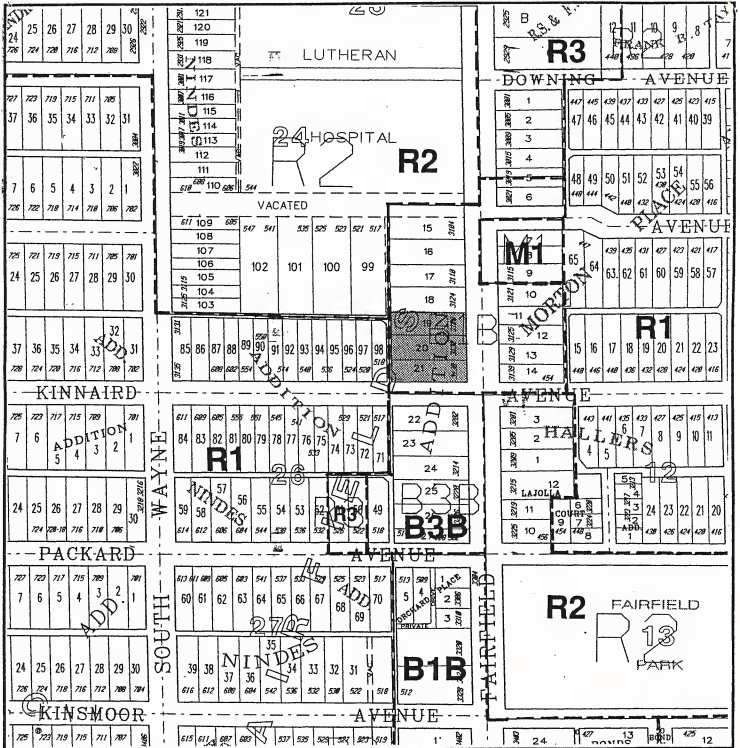
3796

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

REZONING PETITION

AREA MAP

CASE NO. #592



COUNCILMANIC DISTRICT NO. 4

Map No. L - 7
LW 6-22-95

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		



Petition for a Zoning Map Amendment

Community & Economic Development / 1 Main Street Rm 830 / Fort Wayne, IN 46802 / (219) 427-1140

I/We Lutheran Health Foundation, Kevin W. Doster and Sean Carroll
d/b/a Carroll Auto Sales do hereby petition to
amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from a/an B1B
designation to a/an B3B designation, the property located at the common street
address of: 3140, 3138 and 3132 Fairfield Avenue, Fort Wayne, IN
and further described as follows:
Lots 19, 20, and 21 in Nindes Addition to the City of
Fort Wayne, Indiana

(Please attach a legal description if more space is needed.)

The purpose of this proposed rezoning is to permit the use of the property for the following:
Used car sales lot

Lutheran Health Foundation, Kevin W. Doster and Sean
Carroll d/b/a Carroll Auto Sales
Property owners Name(s):

Street Address: 3115 Fairfield Avenue

City: Fort Wayne State: IN Zip: 46807 Phone: 745-9935

Applicants Name (if different from above):

Street Address:

City: State: Zip: Phone:

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%)
of the property described in this petition; that I/we agree to abide by all provisions of the Fort Wayne
Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as
relating to the handling and disposition of this petition; and that the above information is true and
accurate to the best of my/our knowledge.

Signature <u>Marvin A. Kurtz</u>	Printed Name <u>MARVIN A. KURTZ</u>	Date <u>6-8-95</u>
Signature <u>Kevin W. Doster</u>	Printed Name <u>Kevin Doster</u>	Date <u>6-1-95</u>
Signature <u>Sean Carroll</u>	Printed Name <u>Sean Carroll</u>	Date <u>6/1/95</u>

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: City of Fort Wayne.

Name and address of preparer, attorney or agent.

R. John Wray
Wray & Associates
924 S. Calhoun Street
Fort Wayne, IN 46802

219 423-3331
Telephone Number

Form Rez494

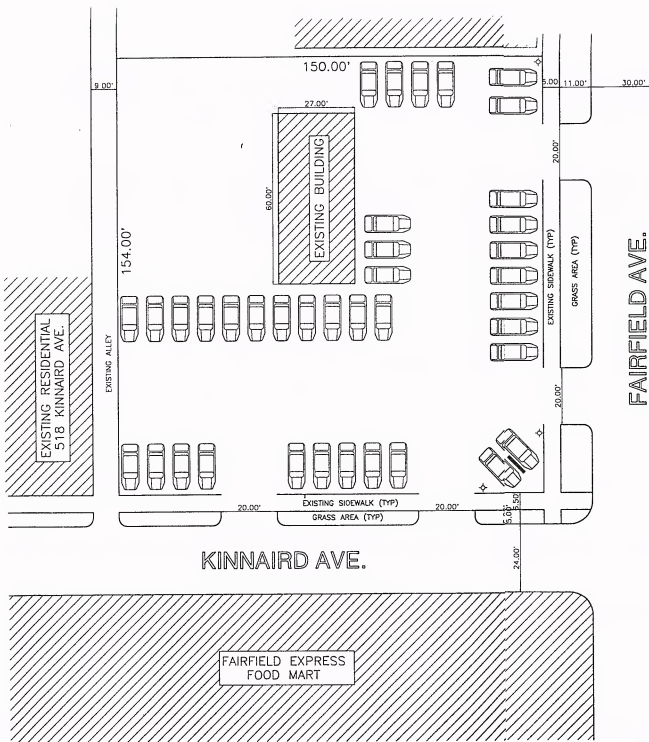
Receipt #: _____ Date Filed: _____
Map #: _____ Reference #: _____



SCALE 20' = 1"

PROPOSED PROPERTY FOR CARROLL AUTO S

PROPERTY LOCATED AT THE COMMON STREET ADDRESS
3140, 3138, AND 3132 FAIRFIELD AVENUE, FORT WAYNE,
INDIANA DESCRIBED AS FOLLOWS LOTS 19, 20, AND 21
THE NINDS ADDITION TO THE CITY OF FORT WAYNE



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on July 11, 1995 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-97-07-04; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 17, 1995.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual an unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 24, 1995.

Certified and signed this
3rd day of August 1995.



Carol Kettler Sharp
Secretary

MESSAGE DISPLAY FOR GLYNNIS BRUCE

To Paul Helmke
CC Greg Purcell
CC Gregg LaMar

From: Pat Fahey
Postmark: Sep 01,95 10:30 AM

Delivered: Sep 01,95 10:30 AM

Subject: Rezoning on Fairfield/Carroll Auto Sales

Message:

I finally heard back from John Wray. He has a letter drafted and ready to fax over here in which the current owner (and, I believe, the proposed purchaser) agrees to restrict by covenant the uses which would be permitted on the property. The proposed purchaser (Sean Carroll) has agreed; however, John is still waiting for approval from Lutheran Health Foundation. The name we had from them on the rezoning form was Marvin Kurtz. My experience with John has been if he says something will be done, it will be done. However, I suppose Lutheran could balk at the restrictions. If Carroll purchases the property, they have agreed to impose the restrictions. But there's no guarantee they will be the purchasers. John knows today is the deadline for action. I will only be in until noon; I told him to fax anything he came up with to me before then, and if he got an agreement later to send it to the Mayor's office. Let me know if there is anything else you think should be done.

-----X-----

- c. Bill No. Z-95-07-04 - Change of Zone #592
From B1B to B3B
3132-3138 & 3140 Fairfield Av

Sean Carroll, petitioner, owner of Carroll Auto Sales, currently located at 3115 Fairfield Avenue, appeared before the Commission. He stated that the current auto sales is approximately across the street from the requested rezoning. He stated that the property where their auto sales is located currently is zoned industrial. He is requesting that the property across the street be classified to B3B for use as an auto sales lot. He stated that he is already present in the neighborhood. They have had no complaints, there have been no problems in the area. He stated that one of the reasons he would like to move is because their current location is not an ideal location. He felt the property across the street would make a more professional presentation. He stated that this parcel has been for sale for approximately 3 years and they are the first serious bidder. He stated that they have put money down on the property, the only thing that is holding them back is the rezoning. He presented the Commission with a site drawing of the proposed business if the property were rezoned. He stated that they would have approximately a maximum of 40 cars on the lot. He stated that the site is an old service station. He stated that all but one of the storage tanks have been removed. He stated that they want to expand and they only have space for 8 cars at their current location. He stated that their hours are 10 am to 6 pm, Monday through Friday and 8 am to 12 noon on Saturday. He stated that there is no body work done on the property. They do very light mechanical work on the cars, but all of the heavy work is done at another location. He stated that this property has been vacant for sometime and they will clean up the property and make it a viable part of the community as well as put it back on the tax base. He stated that he has lived in the south side of town all of his life. He stated that he has owned three homes at different time in the south side of town. He stated that he wished to remain in this area. He stated that he tries to use the vendors on the south side of town for his business needs.

Mel Smith questioned why the staff did not feel this be a BZA Use Variance.

Pat Fahey stated that it could be. In this particular instance you have B3B zoning to the south of the site and you do have a B1B classification that does permit a multiple number of commercial uses. He questioned what the hardship would be in this case.

Kevin Ames, President of the South Wayne Neighborhood Association, 1206 W Packard Street, appeared before the Commission. Mr. Ames stated that he was in favor of the rezoning. Mr. Ames stated that he has had several conversations with Mr. Carroll. Mr. Carroll presented this case to the Board and membership of the association. Mr. Ames stated that the only concerns that they came up with is the fact that pawn shops, second hand stores and rummage stores would be allowed in the classification. He stated that they would not want to see these type of uses in the area. He stated that other than those uses they whole heartedly agree with the petitioners. They would like to see that business go in there. He stated that this has been an empty lot for a very long time. He stated that there are 450 residents in the neighborhood association, with an active membership of 200. He stated that at the meeting where they discussed this there were 27 people present.

Ernest Evans questioned what it had been used for after the filing station closed.

Mr. Carroll stated that he had heard it had been used as a donut shop.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

FACT SHEET

Z-95-07-04

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Map Amendment

APPROVAL DEADLINE

REASON

From B1B to B3B

DETAILS

Specific Location and/or Address

3132-3138 & 3140 Fairfield Avenue

Reason for Project

Used Car Sales Lot

Discussion (Including relationship to other Council actions)

17 July 1995 - Public Hearing

See Attached Minutes of Meeting

24 July 1995 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion the Chair did not vote.

Motion Carried.

Members Present: Linda Buskirk, Ernest Evans, James Hoch, Thomas Quirk, Dave Ross, Carol Kettler Sharp, Mel Smith, Vicky VerPlanck

Member Absent: Donald Schmidt

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)
Carroll Auto Sales
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff Recommendation

☐ For ☒ Against

Reason Against
-approval is not consistent
with predominant land uses in
the area

Board or Commission Recommendation

By

☐ For ☒ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 14 June 1995

Projected Completion or Occupancy

Date 3 August 1995

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

Date

8 August 1995

Reference or Case Number

ORIGINAL

ORIGINAL

#592

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 3132, 3138 & 3140 Fairfield Av

2-95-87-04

EFFECT OF PASSAGE Property is currently zoned B-1-B - Limited
Business. Property will be zoned B-3-B - General Business.

EFFECT OF NON-PASSAGE Property will remain zoned B-1-B -
Limited Business.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE)